

REMARKS

Claims 1-7, 57-66, 73 and 74 remain pending. Claims 8-56 and 67-72 are canceled by way of this Amendment. Claims 1, 57, 60, 63, and 73 are amended by way of this Amendment to clarify the subject matter of the invention. No new matter is believed to be added.

Rejection of Claims 1-7 and 57-66 Under 35 USC §103(a)

Claims 1-7 and 57-66 stand rejected under 35 USC §103(a) as being unpatentable over Davis (USPN 6,201,875) in view of Zurek (USPN 5,764,778).

However, as amended, each of independent claims 1, 57, 60, and 63 is amended to clarify that the host adapter is configured to use the performance parameter (set in accordance with the headset preference setting) to process audio signals received from and/or transmitted to the headset.

Generally speaking, these claims address the situation where a host adapter (that processes the audio signals received by and/or transmitted to the headset) is used by various users at different times. Each user may have a different preference setting for the performance parameter of the host adapter such that host adapter may need to apply a different setting for the performance parameter for each user.

In contrast, Davis discloses a hearing aid that communicates with a computer that merely provides a graphical user interface to facilitate the hearing aid user in inputting perceived loudness of tones. The computer does not receive or transmit audio signals to the hearing aid, much less process any such audio signals. Instead, the hearing aid performs any and all audio processing. The computer merely facilitates in the programming of the hearing aid, i.e., setting the levels of the performance characteristics of the hearing aid.

Furthermore, Davis neither discloses nor suggests having settings for multiple users stored on the hearing aid. Davis merely discloses that the data sets for multiple fittings for a single user may be stored. In fact, Davis states that the "patient information for the hearing aid can also be stored" – a statement that is consistent with how hearing aids are used, that is, by a single user and not shared amongst multiple users.

The addition of the secondary reference Zurek does not overcome the deficiencies of Davis as discussed above.

Withdraw of the rejection of claims 1-7 and 57-66 under 35 USC §103(a) as being unpatentable over Davis in view of Zurek is respectfully requested.

Rejection of Claims 73 and 74 Under 35 USC §103(a)

Claims 73 and 74 stand rejected under 35 USC §103(a) as being unpatentable over Davis in view of Zurek and further in view of Martin.

However, the deficiencies of Davis in view of Zurek as discussed above are not overcome with the addition of Martin. Thus claims 73 and 74 are at least allowable for similar reasons as claims 1-7 and 57-66 are allowable as discussed above.

Withdrawal of the rejection of claims 73 and 74 under 35 USC §103(a) as being unpatentable over Davis in view of Zurek and further in view of Martin is respectfully requested.

CONCLUSION

Applicants believe that all pending claims belonging in Species I are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-3569).

Respectfully submitted,

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